

find these people. Every American does not need to be put under surveillance in order to protect America.

If you let government break into any American's private life without a rational check and balance, a cold wind will blow across this Nation and make us less free and no less vulnerable. We can fight the war on terror without declaring war on freedom. We can keep America safe and keep America free.

I urge the House to restore freedom to every American. I urge the House to pass the Freedom to Read Protection Act. If we are to remain the Land of the Free, we need to defend civil liberty as vigorously as we prosecute the war on terror.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me conclude. I am distressed by anybody in this body who suggests that any Member of this body is not going to do everything that he or she can to fight terrorism. We are all in that together. But in the process of fighting terrorism, it is imperative that this body maintain the basic constitutional rights which have made us a free country.

There is nothing in this amendment which prohibits the FBI or the government from going into libraries or bookstores as quickly as they can when they have to. This legislation that we are supporting is supported by conservatives, by moderates, by progressives, by people who are fighting hard, not only against terrorism, but fighting hard to maintain the basic freedoms which make our country the envy of the world and a free Nation. And in the fight against terrorism, we have got to keep our eyes on two prizes, the terrorists and the United States Constitution.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I again rise in opposition. The debate has been good, though; and I think it is good we have had it.

Let me say, first, that the PATRIOT Act does not allow or authorize martial law. It is important we know that. It does not.

Second, in the statement the gentleman from New York (Mr. NADLER) made, it was inaccurate when he stated that grand jury subpoenas issued for business records, including library records, in ordinary criminal investigations are governed by a probable cause standard. That is not so. Rather, grand jury subpoenas in criminal investigations are governed by a standard of relevance, the same standard that applies to the issuance of court orders for the production of business records in intelligence investigations pursuant to section 215 of the PATRIOT Act.

So, really, you cannot just get down here and say this and say that, because we are moving people. People are listening back in their offices.

Third, there has been a lot of talk about legal issues here. We have not been hit since 9/11. No one has died in an attack on this country since 9/11. We know that.

We also know that al Qaeda, and frankly, Osama bin Laden lived in Sudan from 1991 to 1995 and nobody did a darn thing about it. Nobody did a thing about it. They could have picked him up several times, and they did nothing about it. But we know that Osama bin Laden and others want to bring about death and destruction and kill American citizens. We have seen the beheading of Nicholas Berg and others.

Has the PATRIOT Act helped us and our safety? I believe it has, and based on briefings that other Members on both sides have had, they do believe that it has actually helped us and kept what took place at the Pentagon, in my area, and I agree with what the gentleman from New York (Mr. SERRANO) said, up in their area, where they have deep, deep concern. We know it does and has helped.

Now, on this amendment, was Mr. Mueller, the Director of the FBI, and the gentleman from New York (Mr. SERRANO) would agree, has been asked what he thinks of this amendment? Has he been asked if this amendment hurt their efforts with regard to cutting off al Qaeda and other groups from killing United States citizens?

We see the letter that came from the Justice Department. I put it in the RECORD. It said, "You should know," this was to the gentleman from Wisconsin (Mr. SENSENBRENNER), "we have confirmed that as recently as this past winter and spring," winter and spring, two times apparently, "a member of a terrorist group closely affiliated with al Qaeda," the al Qaeda who did the 9/11, al Qaeda who did Tanzania, al Qaeda who did Nairobi, al Qaeda who did the USS *Cole*, al Qaeda who did the World Trade Center in 1993, that al Qaeda that "used Internet services provided by a public library."

Now, this says in here to the gentleman from Wisconsin (Mr. SENSENBRENNER) that in the winter and the spring somebody connected with al Qaeda used the Internet at a public library. If we can stop what took place in my area with regard to the Pentagon, then I want to stop that, because we have gone to enough funerals, and you all have gone to enough, and two of my children live in New York City, and I know how the gentleman from New York (Mr. SERRANO) and those of you feel. It says they have used it.

Lastly, will this create a safe haven? I do not know. Let us let the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the members of the Committee on the Judiciary look at it.

It comes to an end. The Congress had wisdom to bring it to a sunset in 2005. Have hearings been held? I would ask the gentleman, Have hearings been held on this issue by the Committee on the Judiciary? There have not been. I see the gentleman from Michigan (Mr. CONYERS), and I say to the gentleman

from Michigan (Mr. CONYERS), I will not be at that 2 o'clock meeting we are going to have. The hearings have not been held.

Since hearings have not been held, since the FBI has not been asked, since we have not been hit, I strongly urge Members on both sides, even though you have reservations and doubts, to vote down this amendment and allow the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) to do their work and make sure that whatever they do is appropriate and constitutional and in the best interests of this country.

Mr. Chairman. I urge members for a "no" vote.

Ms. HARMAN. Mr. Chairman, although I have expressed serious concerns about our government's ability to search library and book store records, I do not believe that the Sanders amendment is the proper vehicle for addressing this concern. I will reluctantly oppose it.

The PATRIOT Act is a flawed law. It was passed just 7 weeks after September 11, 2001, without meaningful debate about how its new, wide-ranging powers would impact civil liberties. The Act contains some important provisions, such as modernizing law enforcement tools. But it also contains some highly problematic provisions, such as those that potentially give law enforcement officials a license to go on fishing expeditions for personal information unrelated to terrorism.

I believe we must carefully review the PATRIOT Act when it comes up for reauthorization next year. Congress should decide which provisions are necessary to win the war on terrorism, and which are unnecessarily harmful to civil liberties. This process should not be done "on the fly" in the middle of an election year, before we have an opportunity to understand the Act's full ramifications.

That is why I also oppose any effort to make permanent the PATRIOT Act. We adopted this bill in a rush. We wisely included sunset provisions that kick-in after sufficient time has passed to allow us to carefully assess the effectiveness of the provisions and their impact on civil liberties. Let's not rush to make permanent any of the provisions without the careful review we initially envisioned.

The responsible course of action is to revise the PATRIOT Act after we understand how best to improve it.

Mr. OTTER. Mr. Chairman, the freedom to read what we want—it may not be the first thing that comes to mind when we talk about those basic, unalienable rights for which generations of American heroes have fought and died. The idea of a government controlling what we read is the stuff of history books and horror stories about tyrants and dictators. It is not something we expect to face here in America—the Land of the Free.

That was before the passage of the USA PATRIOT Act. Section 215 of that law has given Americans reason to wonder whether the government might be looking over their shoulders when they check out books and materials from their local library. It has dangerously undermined the people's confidence in their government and threatens the precious freedoms we enjoy under the First amendment.